

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUSTIN B. SULLIVAN
Plaintiff,

v.

DUMONT AIRCRAFT CHARTER, LLC,
DUMONT AVIATION, LLC, and
KEVIN WARGO,
Defendants.

CIVIL ACTION NO. 16-10713-DPW

JURY DEMAND

JOINT STIPULATION ON DAMAGES

In the event of a liability verdict in favor of Plaintiff as to the claims identified below, the Parties while reserving all of their available rights, claims, and defenses for trial, hereby stipulate as to the following facts regarding all of the commission damages claimed by Plaintiff:¹

Count I: Wage Act

1. The total amount of the commissions that would be due to Plaintiff on his claim that he was paid at the rate of 66 2/3% of flight charges rather than 75% of flight charges for the time period of November 4, 2015 through December 31, 2015 is \$2,502.95.
2. The total sales department flight charges for the time period of January 1, 2016 through February 16, 2016 are \$728,518.98, such that the commission on these charges is \$16,391.68.
3. The Parties agree that the amount of the deduction for the wages and benefits for Maria White included in Dumont's calculation of Plaintiff's commissions was \$12,500.

¹ This stipulation does not include any damages under Count II alleging a violation of the FLSA.

4. Lyon Flight Charges

- a. The Lyon flight charges for the time period of November 4, 2015 through December 31, 2015 were \$1,344,046.11.
- b. The Lyon flight charges for the time period of January 1, 2016 through February 16, 2016 were \$1,330,915.43.

5. Dry Lease Flight Charges

- a. Dry lease flight charges for the time period of November 4, 2015 through February 16, 2016 were \$136,060.

6. Charter Flights By Owners²

- a. The amounts recorded by Dumont on Owner Statements for charter flights by owners on other owners' aircraft for the time period of November 4, 2015 through February 16, 2016 total \$566,475.

7. Flights Booked Outside of the Sales Department

- a. Flights booked outside of the sales department for the time period of November 4, 2015 through February 16, 2016 total \$268,074.28.

8. Flights booked during Plaintiff's employment which flew after his separation from employment resulted in flight charges of \$297,900.00.

Count III: Breach of Contract

1. The total flight charges for the Cook aircraft for the time period of November 4, 2015 through August 22, 2017 were \$4,028,977.09. If the Court or jury determines that Plaintiff was entitled to commissions on the Cook aircraft after the termination of his employment, the commissions are \$186,149.12 (calculated as 5% of the total flight

² This category excludes owners use of their own aircraft.

charges, less amounts already paid to Plaintiff on the Cook aircraft).

Respectfully submitted,

PLAINTIFF JUSTIN SULLIVAN

By his attorneys,

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Dated: June 27, 2019

CERTIFICATE OF SERVICE

I hereby certify that I served this document on counsel for all Defendants by ECF on June 27, 2019.

/s/ Andrea L. Haas
Andrea L. Haas